

**DRAFT**

## **Chesapeake Bay Preservation Area Buffer Guidelines**

**One of the key components of the Chesapeake Bay Preservation Act is the requirement for a 100' vegetated buffer from the edge of the water, marsh or stream. The buffer must be restored to or left in a natural state with existing and/or indigenous plantings to protect the water quality of the Bay. A vegetated buffer consists of a mixture of trees, shrubs and groundcovers. The following provisions are intended to provide guidance concerning permissible activities within the RPA Buffer area.**

- 1. Home landscaping is permitted in the buffer provided that water quality is protected and does not result in an erosion problem. Home landscaping includes the following:**
  - a) Pruning of trees and shrubs
  - b) Mowing of grass and groundcovers
  - c) Placement of mulch
  - d) Planting of seeds, shrubs, trees, groundcovers, etc.
- 2. Removal of Noxious Weeds is permitted in the buffer provided:**
  - a) They are replaced with vegetation equally adapted for the growing environment;
  - b) The root mat and soil is left undisturbed.
- 3. After submittal and approval of a WQIA, existing woody vegetation in the buffer may be removed for reasonable sight lines:**
  - a) Trees and shrubs may be pruned provided that no more than a third of the vegetation is removed.
  - b) Selected trees less than 3" DBH (diameter at breast height) in the 50' of the buffer closest to the water body with perennial flow may be removed provided the stump/root ball is not removed and they are replaced with shrubs (1:1 replacement ratio). NOTE: This provision shall not be construed to allow all trees less than 3" DBH on a lot to be removed.
  - c) Selected trees less than 6" DBH in the landward 50' of the buffer may be removed provided they are replaced with shrubs (1:1 replacement ratio). NOTE: This provision shall not be construed to allow all trees less than 6" DBH within the landward 50' of the buffer to be removed.
  - d) No self-propelled equipment may be used within 50' of wetlands or waterways except for riding lawn mowers.
  - e) No self-propelled equipment larger than a uni-loader may be used in the landward 50' of the buffer.

- f) No land disturbance may occur or result from these activities.
- g) Restoration of the buffer in accordance with Section 7 of these guidelines may be necessary based upon the magnitude of the action.

*NOTE: Breast Height is defined as 4'10" above existing grade.*

**4. After submittal and approval of a WQIA, dead or diseased trees may be removed provided:**

- a) All dead or diseased trees must be field checked by county staff prior to their removal.
- b) When questions arise concerning the health of the trees proposed to be removed, the property owner shall be responsible for providing documentation from a certified landscape professional as to the health and viability of the trees. Such documentation shall be subject to review and approval of the zoning administrator.
- c) Restoration of the buffer in accordance with Section 7 of these guidelines may be necessary based upon the magnitude of the action.

**5. Tree removal in the buffer associated with an Encroachment, Noncomplying Use and Development Waiver, Redevelopment, Allowable Land Development or Variance.**

To construct authorized improvements, trees often must be removed and fill must be placed on the property. Fill will destroy existing vegetation. The purpose of the following is to establish a baseline or threshold of acceptability for tree removal and the replacement ratios that would be considered appropriate to mitigate the effects of removal.

- a) Within the building footprint or within 15' of the foundation, when trees greater than or equal to 6" in DBH must be removed for the construction of the home or addition, they must be replaced with trees at a 1:1 rate or with shrubs at a 3:1 rate.
- b) Fill areas (greater than 4" in depth) must be revegetated in accordance with these guidelines.
- c) The existing trees and proposed plantings must be shown on the plan or WQIA.
- d) Foundation plantings within 5' of a structure are not counted toward restoration and replacement requirements

**6. After submittal and approval of a WQIA, vegetation removal in the buffer associated with approved shoreline erosion control best management practices may be undertaken provided:**

The Ordinance allows existing woody vegetation and trees to be removed in conjunction with approved shoreline erosion control best management practices. The following guidelines clarify the acceptable limits of tree removal and tree replacement:

- a) On lots where access is blocked by trees, a 15' wide swath landward from the top of bank and a single 15' wide construction access road may be cleared provided it is aligned to minimize tree removal and environmental impact.
- b) Woody vegetation within the footprint of the shoreline structure can be removed.
- c) When trees greater than or equal to 3" in DBH, must be removed for the construction of the shoreline best management practice and/or construction access, they must be replaced with trees at a 1:1 rate or shrubs at a 3:1 rate.
- d) The existing trees, proposed plantings and clearing limits must be shown on the Joint Permit Application and WQIA.
- e) Fill not required by the erosion control structure, outside of wetlands and within the 100' buffer requires a buffer modification approved by the zoning administrator. The following guidelines must be met:
  - Whether or not removed, trees with greater than 4" of fill over 50% of the area within their drip line must be replaced with trees at a 2:1 rate or with shrubs at a 6:1 rate;
  - The fill must be vegetatively stabilized within seven days of achieving final grade;
  - Proper erosion and sediment control measures must be used; and
  - Fill areas (greater than 4") must be revegetated/restored in accordance with Section 7 of these guidelines.
- f) Land disturbance greater than 2500 square feet outside of the wetlands requires a Land Disturbing Activity permit.

#### **7. Buffer restoration requirements**

When the buffer has been destroyed or modified, a mix of vegetation must be re-established. The following provides the minimum requirements for buffer restoration:

- A restored buffer must consist of a mixture of trees, shrubs, groundcovers, grass and mulch;
- Unless otherwise specified, trees must be replaced at a 2:1 rate or with shrubs at a 6:1 rate;
- 3-5 woody stems are required per 100 square feet;
- Groundcovers and grass augment the necessary woody planting materials and are not to be used in lieu of trees and shrubs;
- A 3:1 shrub to tree ratio throughout the buffer is recommended;
- Plants must be chosen from HRPDC or similar list;
- Planting beds must consist of 4" deep mulch;

- Minimum size for shrubs at planting is one gallon;
- Minimum size for trees at planting is three gallon;
- Foundation plantings, within 5' of a structure are not counted toward restoration and replacement requirements;
- The use of native plants is strongly encouraged.

**8. Buffer restoration plan**

A buffer restoration plan and narrative must include at a minimum the following information:

- Property owners' name, address and phone number;
- Property address;
- Property boundaries;
- Physical improvement such as houses, sheds, driveways, etc.;
- Type, number and location of trees greater than 3" DBH within the 50' of the buffer closest to the water body with perennial flow and trees greater than 6" DBH in the landward 50' of the buffer;
- Type, number and location of replacement trees and shrubs;
- Limits and depth of fill;
- Designation of trees to remain and trees to be removed;
- Appropriate erosion control measures; and
- Expected date of completion.

A GIS map available from Computer Support Services or a current physical survey may be used as a base map for the plan. The plan and narrative must have sufficient information for staff inspection.